

of foods prior to their distribution, and that sanitary conditions were in general satisfactory. Consequently, on 9-27-61, the temporary order was vacated and the case was dismissed.

**29316. Noodle products.** (F.D.C. No. 48538. S. Nos. 71-134/5 T.)

INDICTMENT RETURNED: 6-11-63, E. Dist. Okla., against Lee Boerstler and C. Ross Boerstler, Henryetta, Okla.

ALLEGED VIOLATION: Between 3-1-62 and 8-31-62, while quantities of macaroni and egg noodles were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to insects and caused the articles to be exposed to contamination by insects, thereby causing the food to become adulterated.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 8-12-63. \$1,000 fine against each defendant.

**29317. Frozen noodles.** (F.D.C. No. 49340. S. No. 28-474 X.)

QUANTITY: 1,383 cases, each containing 12 8-oz. pkgs., at Kansas City, Kans.

SHIPPED: 7-29-63, from Clive, Iowa, by Reames Home Style Frozen Foods.

LABEL IN PART: (Pkg.) "Reames Home Style Frozen Egg Noodles \* \* \* Four Servings \* \* \* Reames Frozen Foods Clive, Iowa."

LIBELED: 9-18-63, Dist. Kans.

CHARGE: 402(a)(3)—contained *E. coli*, coagulase positive staphylococci, and a high coliform count; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-13-63. Default—destruction.

**29318. Noodles, macaroni and spaghetti.** (F.D.C. No. 49337. S. Nos. 31-426/33 X, 31-435 X.)

QUANTITY: 5 20-lb. cases of shell macaroni; 6 10-lb. cases home style macaroni; 7 20-lb. cases of cut macaroni; 3 10-lb. cases of egg noodles; 2 15-lb. cases of elbow macaroni; 6 10-lb. cases of egg dumplings; 3 10-lb. cases of lasagne; 32 10-lb. cases of medium egg noodles; and 15 10-lb. cases of wide egg noodles; at Phoenix, Ariz.

SHIPPED: Between 12-6-62 and 8-14-63, from Lincoln, Nebr.

LIBELED: 9-12-63, Dist. Ariz.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 10-31-63. Default—destruction.

**29319. Macaroni products.** (F.D.C. No. 49306. S. Nos. 22-517/22 X.)

QUANTITY: 14 20-lb. ctns. of spaghettini and 57 20-lb. ctns. of linguine, at Denver, Colo.

SHIPPED: Between 7-1-63 and 8-9-63, from St. Louis, Mo., by Ravarino & Freschi, Inc.

LABEL IN PART: (Ctn.) "R-F \* \* \* La Terminese Enriched Spaghettini \* \* \* Ravarino & Freschi, Inc. St. Louis, Mo.," and "R-F \* \* \* La Terminese Enriched Linguine \* \* \* Ravarino & Freschi, Inc. St. Louis, Mo."

**LIBELED:** 9-10-63, Dist. Colo.

**CHARGE:** 402(a)(3)—contained insects when shipped and while held for sale.

**DISPOSITION:** 10-29-63. Default—delivered to a public institution for use as animal feed.

**29320. Spaghetтини, vermicelli, and spaghetti.** (F.D.C. No. 49319. S. Nos. 23-131/33 X.)

**QUANTITY:** 41 20-lb. cases of spaghetтини, 49 20-lb. cases of vermicelli, and 24 20-lb. cases of spaghetti, at Colorado Springs, Colo.

**SHIPPED:** 8-22-63, from St. Louis, Mo., by Ravarino & Freschi, Inc.

**LABEL IN PART:** "La Terinese Enriched Spaghetтини [or "Vermicelli" or "Spaghetti"], \* \* \* A Product of Ravarino and Frechi, Inc., St. Louis, Mo."

**LIBELED:** 9-17-63, Dist. Colo.

**CHARGE:** 402(a)(3)—contained insects when shipped.

**DISPOSITION:** 11-5-63. Default—delivered to a public institution for use as animal feed.

**29321. Spaghetti (2 seizure actions).** (F.D.C. Nos. 46146; 46839. S. Nos. 61-935 R; 35-278 T.)

**QUANTITY:** 248 cases, each containing 24 7-oz. pkgs. of spaghetti, at Des Moines, Iowa; and 30 cases, each containing 48 7-oz. pkgs. of elbow spaghetti, at Fargo, N. Dak.

**SHIPPED:** Between 4-5-61 and 9-26-61, from Minneapolis, Minn., by Creamette Co.

**LABEL IN PART:** (Pkg.) "Thin Spaghetti Italian Style Creamette Brand," and "Mother's Brand Elbow Spaghetti \* \* \* The Creamette Co., Minneapolis, Minnesota."

**RESULTS OF INVESTIGATION:** The manufacturer's name and address (both lots) and the quantity of contents statements (N. Dak. lot) were inconspicuous due to being printed in black ink on a noncontrasting background of dark green.

**LIBELED:** 7-28-61, S. Dist. Iowa; 12-8-61, Dist. N. Dak., amended libel 9-17-62, Dist. Minn.

**CHARGE:** 403(f)—when shipped, the information required to appear on the label under 403(e)(1) and (2), namely, the name and place of business of the manufacturer, packer, or distributor, and the statement of the quantity of contents was not prominently placed thereon, with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

**DISPOSITION:** On 8-21-61 and on 2-9-62, the articles having been claimed by the Creamette Co., the actions in S. Dist. Iowa and Dist. N. Dak., respectively, were transferred upon stipulation of the parties to Dist. Minn. for further proceedings. Subsequently, the claimant filed interrogatories which were answered by the Government. On 1-7-63, the claimant having withdrawn its answers, decrees of condemnation were entered and the articles were destroyed.